

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

August 5, 2005

Section 5 Submission

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 654:34-a, a STATUTE related to voter application for a change of party registration, most recently amended by Laws of 1994 Chapter 218 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 654:34-a, a STATUTE related to voter application for a change of party registration, most recently amended by Laws of 1994 Chapter 218 and previously amended by the chapters cited below.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 218 (1994) amending RSA 654:34-a is attached. (Exhibit 654:34-a A)
 - 1. Chapter 287 (1992) amending RSA 654:34-a is attached. (Exhibit 654:34-a B)
 - 2. Chapter 308 (1981) amending RSA 654:34-a is attached. (Exhibit 654:34-a C)

- b) Chapter 400 (1979) enacting RSA 654:34-a is attached. (Exhibit 654:34-a D)
- c) The changes made by amendments to RSA 654:34-a are as follows:
 - 1. Chapter 218 (1994) inserts the phrase “...*except as provided in RSA 654:34, I and II*...” at the end of paragraph III of this statute.
 - 2. Chapter 287 (1992) replaces the word “...*may*...” with the word “...*shall*...” in paragraph I of this statute.
 - 3. Chapter 308 (1981) replaces the phrase “...*654:15*...” with the phrase “...*654:34, IV*...” in paragraph IV of this statute.
 - 4. Chapter 400 (1979) enacts RSA 654:34-a.
- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State’s legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create Chapter 218 (Exhibit 654:34-a A). The bill was signed into law (by the Governor) on May 25, 1994, pursuant to New Hampshire Constitution Part Second, Article 44.

- i) Adoption dates:
 - 1. Chapter 218 (1994) adopted May 25, 1994

2. Chapter 287 (1992) adopted May 18, 1992
 3. Chapter 308 (1981) adopted June 16, 1981
 4. Chapter 400 (1979) adopted June 23, 1979
- j) Effective dates:
1. Chapter 218 (1994) effective May 25, 1994
 2. Chapter 287 (1992) effective July 17, 1992
 3. Chapter 308 (1981) effective August 15, 1981
 4. Chapter 400 (1979) effective August 22, 1979
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for the changes are as follows:
1. The purpose of the Chapter 218 (1994) change is allow a change of party affiliation to be made on the day of a primary election under the circumstances permitted by RSA 654:34, I and II.
 2. The purpose of the Chapter 287 (1992) change is to require cities and towns to permit applications for change of party affiliation to be submitted to the town or city clerk, where previously it had been optional for towns to allow the clerks to accept these applications. Previously, where the town had not elected this option, applications to change party affiliation had to be submitted to the Supervisors of the Checklist. Clerks typically have regular weekly office hours while Supervisors are in session only a few times each year.
 3. The purpose of the Chapter 308 (1981) change is to update the statutory reference so as to not render this section ineffective.
 4. The purpose of Chapter 400 (1979) is to enact RSA 654:34-a, which provided towns and cities with the option to allow the town or city clerk, in addition to the Supervisors of the Checklist, to accept applications to change party affiliation.

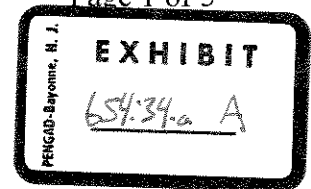
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. § 1973 (c). They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups ... to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).
- o) None known.
- p) Chapter 400 (1979) was not precleared when enacted. This submission seeks preclearance of Chapter 400 and all subsequent changes.
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 654:34-a E is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II
Senior Assistant Attorney General
Civil Bureau
(603) 271-1238
bud.fitch@doj.nh.gov



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HOUSE BILL - FINAL VERSION

1994 SESSION 4118B

94-2530

10/08

HOUSE BILL 1405

AN ACT relative to voting and party membership, special write-in ballots for overseas and armed services voters, change of party affiliation, nomination by write-in votes, and the checklist used at village district elections.

SPONSORS: Rep. Gilmore, Straf 11; Rep. Flanagan, Rock 14

COMMITTEE: Constitutional and Statutory Revision

AMENDED ANALYSIS

This bill amends the election laws by:

(1) Allowing previously registered persons to vote the ballot of a newly recognized party only in the state primary election immediately following the party's official recognition, and in the presidential primary election immediately following the party's official recognition only if the presidential primary election precedes the state primary election to be held in the same year, and not in any subsequent state and presidential primary elections which follow that vote.

(2) Specifying when special write-in absentee ballots shall be mailed to overseas citizens and to armed services personnel for voting in state primary and state general elections.

(3) Clarifying that a change of party affiliation may be made on the day of a primary election, if the application is made before the supervisors of the checklist.

(4) Requiring that a person must receive at least 5 write-in votes in order to receive the nomination of a party in a primary election.

(5) Clarifying which checklist shall be used at village district elections.

The bill also adds a nullification provision and a contingent nullification provision to make technical corrections to 2 RSA sections which were amended by 1993 rereferred bills.

EXPLANATION: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears in [brackets].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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CHAPTER 218

HOUSE BILL - FINAL VERSION

4118B

94-2530

10/08

HB 1405

STATE OF NEW HAMPSHIRE

In the year of Our Lord

One Thousand Nine Hundred and Ninety-Four

AN ACT

relative to voting and party membership, special write-in

ballots for overseas and armed services voters,

change of party affiliation, nomination by write-in votes,

and the checklist used at village district elections.

Be it Enacted by the Senate and House of

Representatives in General Court convened:

218:1 Voting in Primary Elections. Amend RSA 659:14, I to read as follows:

I. A person desiring to vote at a state or presidential primary election shall, at the time of announcing the person's name, also announce the name of the party to which the person belongs or whether the person is registered as an undeclared voter. If the person's party membership has been registered before, the person shall be given only the ballot of the party with which the person is registered, unless the person desires to vote the ballot of a party not having official existence at the time the person's party membership was previously registered, **in which case the person may vote the ballot of such a party in the state primary election immediately following the political organization's official existence as a party, and not in any subsequent state primary election. A person may also vote the ballot of such a party in the presidential primary election only if the presidential primary election precedes the state primary election to be held in that same year.** If the rules of a party permit a person who

is registered as an undeclared voter to vote in the party's primary, any person desiring to vote in that party's primary shall also announce the name of that party at the time of announcing the person's name. No person shall be permitted to vote in any more than one party primary during any primary election.

218:2 Time for Mailing Special Write-In Ballot. Amend RSA 657:10-a to read as follows:

657:10-a Special Overseas and Armed Services Election Write-In Ballot. Notwithstanding any other provision of the election laws, a qualified absentee voter may apply to a city or town clerk for a special write-in absentee ballot. These ballots shall be mailed by the town or city clerk no later than **July 15 for voting in a state primary election, and no later than** the date of the **state primary for voting in a state general election**, to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. The ballot shall be prepared by the secretary of state and shall be, as nearly as practicable, the same as the official overseas citizens federal

election ballot except that there shall be no candidate's names printed on it.

218:3 Change of Party Affiliation; Reference Added. Amend RSA 654:34-a, III to read as follows:

III. No application for a change of party affiliation shall be accepted on the day of a primary election, **except as provided in RSA 654:34, I and II.**

218:4 Number of Write-In Votes Required to Receive Nomination. Amend RSA 659:88, I(a) to read as follows:

(a) A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that party on such state primary election ballot, whichever is the smaller, **but in no event less than 5 write-in votes.**

218:5 Checklist Used at Village District Elections. Amend RSA 670:3 to read as follows:

670:3 Voters and Checklists. Any person having his domicile within the village district and qualified to vote as provided in RSA 654:1, 654:2 and 654:4-654:6 and whose name is on the village district checklist shall be entitled to vote in any village district election. [Upon petition of 10 or more such voters to the supervisors of the town checklist, acting as supervisors of the village district checklist, before any meeting, the supervisors shall prepare, post, and correct a checklist of the legal voters of the district, in the same manner as provided in RSA 654:25-654:31, except that the session required by RSA 654:27 to be held 3 weeks before the election shall not be required.] **An updated checklist shall be used at all village district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5.** Such checklist or checklists, if the district is located in more than one town, shall be used in the election of district officers.

218:6 Nullification. 1994, 4:33, relative to an amendment to RSA 670:3, shall not take effect.

218:7 Contingent Nullification. If HB 510, an act relative to certificate of election blanks and write-in votes, becomes law, section 1 of HB 510 shall not take effect.

218:8 Effective Date. This act shall take effect upon its

passage.

Approved: May 25, 1994

Effective: May 25, 1994

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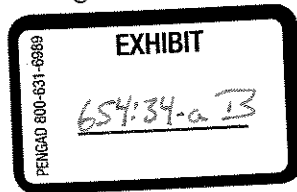
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Enrolled Bill Amendment

1992 SESSION

SENATE BILL NO. 321 (CHAPTER 287, LAWS OF 1992)

INTRODUCED BY: Sen. Cohen of Dist. 24; Sen. Bass of Dist. 11; Sen. Disnard

of Dist. 8; Sen. McLane of Dist. 15; Sen. Roberge of Dist. 9; Rep. Durham of Hillsborough Dist. 18; Rep. P. White of Grafton Dist. 6; Rep. Shackett of Grafton Dist. 10; Rep. Hashem of Strafford Dist. 3; Rep. Baldizar of Hillsborough Dist. 22

REFERRED TO: Public Affairs

AN ACT relative to voter registration and changes in party affiliation with town clerks and relative to supervisors of the checklist.

AMENDED ANALYSIS

This bill amends the election laws by:

(1) Repealing the provision in the election laws which permits a town to vote to have the supervisors of the checklist, rather than the town clerk, accept applications from persons to have their names added to the checklist.

(2) Requiring town and city clerks to accept applications from such persons according to certain conditions.

(3) Repealing the provision in the election laws which requires a city or town to vote to permit applications for changes in party affiliation to be made with the city or town clerk, and requiring that cities and towns shall permit such applications for changes in party affiliation.

(4) Allowing supervisors of the checklist and town and city clerks to request specific information from persons who are registering to vote in order to determine whether the applicant is qualified to vote.

 EXPLANATION: Matter added appears in ***bold italics***.

Matter removed appears in [brackets].

Matter which is repealed and reenacted or all new appears in regular type.

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Enrolled Bill Amendment

SB 321

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand

nine hundred and ninety-two

AN ACT

relative to voter registration and changes in party affiliation with

town clerks and relative to supervisors of the checklist.

Be it Enacted by the Senate and House of Represen-

tatives in General Court convened:

1 Application Provisions to Apply in all Cities and Towns. Amend the introductory paragraph of RSA 654:8 to read as follows:

The provisions of this section shall apply in all cities and in all towns. Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk, or to the supervisors of the checklist as provided in RSA 654:11, for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall [have the power] be required to accept applications from such persons under the following conditions:

2 Forwarding Forms; Provisions to Apply in all Cities and Towns.
Amend RSA 654:9 to read as follows:

654:9 Forms to be Forwarded. *The provisions of this section shall apply in all cities and in all towns.* The town or city clerk shall present to the next meeting of the supervisors of the checklist the

triplicate registration forms of all persons making application to him since the previous meeting of said supervisors.

3 Repeal. RSA 654:10, relative to voter registration duties of town clerks, is repealed.

4 Repeal. RSA 654:34-b, relative to voting to permit applications for changes in party affiliations to be made with the city or the town clerk, is repealed.

5 Permitting Changes in Party Affiliation with Town or City Clerk. Amend RSA 654:34-a, I to read as follows:

I. A town or city [may] **shall** permit changes in party affiliation to be registered with a town or city clerk.

6 Repeal and Reenactment of RSA 654:12. RSA 654:12, relative to determining qualifications of applicants registering to vote, and repealed by 1990, 119:18, is hereby reenacted as it existed immediately prior to its repeal by 1990, 119:18.

7 Authority of Supervisors of the Checklist and Clerks to Determine Qualifications of Applicants Registering to Vote. RSA 654:12, I is repealed and reenacted to read as follows:

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, may require the applicant to present any one of the following from each qualification category:

(a) Citizenship. The applicant's birth certificate, passport,

naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which

indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:

Date: _____

CITIZENSHIP AFFIDAVIT

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

(Signature of applicant)

The penalty for perjury is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and/or a fine not to exceed \$4,000.

(b) Age. Any reasonable documentation indicating the applicant is 18 years of age or older.

(c) Domicile. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote, or an affidavit declaring that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote.

8 Effective Date. This act shall take effect 60 days after its passage.

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CHAPTER 308

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132:12-d Recovery by the State. Upon a determination that a person has fraudulently obtained funds under this program, the state may bring an action to recover the funds. Any funds so recovered shall be remitted to the proper federal officials as required under federal law or regulation. Demand and payment of these funds shall not relieve or discharge any person of liability, either civil or criminal, for additional amounts or penalties as may be prescribed under any other applicable law.

307:3 Penalties Expanded. Amend RSA 132:15 as amended by striking out said section and inserting in place thereof the following:

132:15 Penalties. Any person committing a fraud on the women, infants, and children program under RSA 132:12-a shall be charged under RSA 638:15. Any person violating any other provision of this subdivision or any rule adopted under this subdivision shall be guilty of a misdemeanor.

307:4 Criminal Penalties for Fraud. Amend RSA 638 by inserting after section 14 the following new section:

638:15 Fraud on the Women, Infants, and Children (WIC) Program.

I. A person is guilty of fraud on the women, infants, and children program if he is a vendor who embezzles, purposely misapplies, steals, or obtains by fraud or theft any funds, assets, or property provided under RSA 132:12-a or if he receives, conceals, or retains such funds, assets, or property for his own use, knowing them to have been embezzled, purposely misapplied, stolen, or obtained by fraud or theft.

II. Fraud on the women, infants, and children program is:

(a) A class A felony where the value of the funds, assets, or property exceeds \$1,000;

(b) A class B felony where the value of the funds, assets, or property exceeds \$100, but is not more than \$1,000;

(c) A misdemeanor in all other cases.

III. A person is guilty of a misdemeanor if he is a participant who:

(a) By a purposely false statement or misrepresentation or by impersonation or other purposely fraudulent act or device attempts to obtain or obtains funds under RSA 132:12-a to which he is not entitled;

(b) Purposely and knowingly aids or abets any person, by a purposely false statement or misrepresentation or by impersonation or other purposely fraudulent act or device, to attempt to obtain or obtain funds under RSA 132:12-a to which the person is not entitled;

(c) Purposely fails to disclose the receipt of property, wages, income, or resources or any change in circumstances that would affect his eligibility for assistance under RSA 132:12-a, to obtain funds or assistance to which he is not entitled.

307:5 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 16, 1981.]

[Effective Date August 15, 1981.]

CHAPTER 308 (HB 879)

AN ACT RELATIVE TO THE TIME FOR CHANGING PARTY
AFFILIATION AND FILING CANDIDACIES
FOR THE STATE PRIMARY ELECTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

308:1 Party Registration. Amend RSA 654:15 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

654:15 Party Registration. Whenever names are added to the checklist the supervisors shall register the party membership of the voter if he desires such membership registered. The party membership of each voter may be registered by writing in ink, printing, or rubber stamping after the name of such voter the first 3 letters of the name of the party with which he registers.

308:2 Checklist Session. Amend RSA 654:32 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the sessions shall be on 2 days, at least, and at such other times as they deem necessary, and shall not be closer in time to such primary than the day immediately prior to the first day for the filing of nomination petitions. Before the state primary election, the sessions shall be on 2 days, at least, and at such other times as they deem necessary, and the last one shall be on the Tuesday before the first Wednesday in June for at least 2 hours between 6 p.m. and 9 p.m.

308:3 Reference Changed. Amend the introductory paragraph of RSA 654:34, I(a) (supp) as inserted by 1979, 436:1 as amended by striking out in line 4 the reference "RSA 654:15" and inserting in place thereof the following (paragraph IV) so that said paragraph as amended shall read as follows:

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them under oath or affirmation, if required, that:

308:4 Another Reference Changed. Amend RSA 654:34, II(a) (supp) as inserted by 1979, 436:1 as amended by striking out in line 4 the reference "RSA 654:15" and inserting in place thereof the following (paragraph IV) so that said paragraph as amended shall read as follows:

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by paragraph IV, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

308:5 New Paragraph. Amend RSA 654:34 by inserting after paragraph III the following new paragraph:

IV. No person, who is already registered to vote, whether his party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election.

308:6 Further Reference Changed. Amend RSA 654:34-a, VII (supp) as inserted by 1979, 400:1 by striking out in line 8 the number "654:15" and

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inserting in place thereof the following (654:34, IV,) so that said paragraph as amended shall read as follows:

VII. The town or city clerk shall present to the next meeting of the supervisors of the checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any person who made application to him for a change of party affiliation and the name of the party with which he desires to be affiliated or that he desires to be affiliated with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the checklist. Any change submitted which is prohibited by the provisions of RSA 654:34, IV, shall be retained by the supervisors; and the change shall be made as soon as permitted by law.

308:7 Filing Period Altered. Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the third Wednesday in June a declaration of candidacy as provided in RSA 655:17, and

308:8 Supplementary Petitions. Amend RSA 655:26 (supp) as inserted by 1979, 436:1 by striking out in line 8 the words "less than 75 days before the primary" and inserting in place thereof the following (later than the third Wednesday in June) so that said section as amended shall read as follows:

655:26 Examination and Rejection. The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform thereto or to be conflicting as provided in RSA 655:23, he shall then endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official but not later than the third Wednesday in June.

308:9 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 16, 1981.]

[Effective Date August 15, 1981.]

CHAPTER 309 (HB 883)

AN ACT CREATING AN AIRPORT DISTRICT BETWEEN THE CITY OF MANCHESTER AND THE TOWN OF LONDONDERRY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

309:1 Manchester-Londonderry Airport District.

I. The city of Manchester and the town of Londonderry are hereby authorized to establish an airport district in accordance with the intermunicipal agreement made on March 3, 1981, between Manchester and Londonderry.

II. The district shall consist of all lands approved by the voters of the town of Londonderry at the town meeting held in March, 1981, Article 24 as amended.

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CHAPTER 400

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a certain county, establish, conduct, manage, or operate a facility without having a license to do so, without averring any further or more particular facts concerning the same.

399:11 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 23, 1979.]

[Effective Date August 22, 1979.]

CHAPTER 400 (HB 244)

AN ACT PERMITTING CHANGES IN PARTY AFFILIATION TO BE REGISTERED WITH A TOWN OR CITY CLERK IF SO VOTED BY REFERENDUM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

400:1 New Sections. Amend RSA 654 by inserting after section 34 the following new sections:

654:34-a Application to Town or City Clerk; Changes to Be Forwarded.

I. A town or city may permit changes in party affiliation to be registered with a town or city clerk.

II. In addition to the methods of changing party affiliation provided in RSA 654:34, any person whose name appears on the checklist of a town or ward may apply to the town or city clerk for the purpose of having his party affiliation changed. A person desiring to change his party affiliation shall state to the town or city clerk under oath or affirmation that:

(a) He intends to affiliate with and generally supports the party with which he offers to register; or

(b) He does not wish to be registered as a member of any party.

III. No application for a change of party affiliation shall be accepted on the day of a primary election.

IV. Any application made under the provisions of this section shall be made during the regular office hours of the town or city clerk.

V. Town and city clerks shall have the power to administer oaths to the applicants that appear before them for the purposes of this section.

VI. Any application made under the provisions of this section shall be signed and dated by the applicant.

VII. The town or city clerk shall present to the next meeting of the supervisors of the checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any person who made application to him for a change of party affiliation and the name of the party with which he desires to be affiliated or that he desires to be affiliated with no party. The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the checklist. Any change submitted which is prohibited by the provisions of RSA 654:15 shall be retained by the supervisors; and the change shall be made as soon as permitted by law.

654:34-b Procedure for Adoption.

I. A town desiring to adopt the provisions of RSA 654:34-a may have the question placed on the warrant for a town meeting at which town officers are elected in the manner provided in RSA 39:3. Such question shall be presented for voter approval in the following manner:

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supervisors of the checklist for his town or ward any time they meet, except as prohibited by RSA 654:15, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

400:5 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 23, 1979.]

[Effective Date August 22, 1979.]

[Editor's Note. This chapter was edited in accordance with 1979, 436:9.]

CHAPTER 401 (HB 289)

AN ACT RELATIVE TO CERTAIN CHANGES IN THE VETERINARY PRACTICES ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

401:1 New Section. Amend RSA 332-B by inserting after section 3 the following new section:

332-B:3-a Temporary Member. The chairman or acting chairman of the board is authorized to appoint an additional person to sit on a temporary or emergency basis at any hearing at which one or more board members is absent, so long as the person so chosen has in the past served as a board member.

401:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 23, 1979.]

[Effective Date August 22, 1979.]

CHAPTER 402 (HB 362)

AN ACT RELATIVE TO CERTAIN LICENSING REQUIREMENTS
CONCERNING REGISTERED AND PRACTICAL NURSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

402:1 Powers of the Board. Amend RSA 326-B:4, VIII (supp) as inserted by 1975, 281:1, by inserting in line 2 after the word "license" the following (or registration) so that said paragraph as amended shall read as follows:

VIII. Conduct hearings upon charges calling for the discipline of a licensee, or denial, suspension or revocation of a license or registration.

402:2 Qualifications for Practical Nurses. Amend RSA 326-B:7, I (c) (supp), as inserted by 1975, 281:1, by striking out said subparagraph and inserting in place thereof the following:

(c) Written evidence of graduation from an approved school of practical nursing, or graduation from an approved school of professional nursing and evidence of having exhausted all opportunities, as determined by the board, to take the examination for registered nurse licensure.

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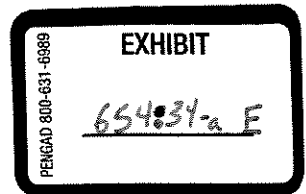
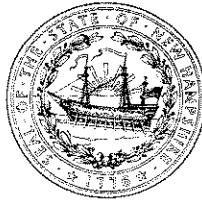
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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



MICHAEL A. DELANEY
DEPUTY ATTORNEY GENERAL

News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>
New Hampshire Toll Free 1-866-8868-3703
or 1-866-VOTER03
electionlaw@doj.nh.gov